

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 355 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government.
- 4 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 5 "SECTION 2. IC 6-1.1-17-20, AS AMENDED BY P.L.199-2005,
- 6 SECTION 13, AND AS AMENDED BY P.L.227-2005, SECTION 5,
- 7 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies ~~(1)~~
- 9 to each governing body of a taxing unit that:
- 10 (1) is not comprised of a majority of officials who are elected to
- 11 serve on the governing body; and
- 12 (2) ~~if the proposed~~ **proposes to:**
- 13 **(A) adopt an operating budget; and**
- 14 **(B) impose a property tax levy; ~~(A)~~**
- 15 **for the taxing unit ~~(other than a public library)~~ for the ensuing**
- 16 **calendar year. is more than five percent (5%) greater than the**
- 17 **property tax levy for the taxing unit for the current calendar year;**
- 18 **or (B) for the operating budget of a public library for the ensuing**
- 19 **calendar year is more than five percent (5%) greater than the**
- 20 **property tax levy for the operating budget of the public library for**
- 21 **the current calendar year.**
- 22 (b) As used in this section, "taxing unit" has the meaning set forth
- 23 in IC 6-1.1-1-21, except that the term does not include:
- 24 **(1) a school corporation; public library; or**
- 25 **(2) an entity whose tax levies are subject to review, and**

*modification, and adoption by a city-county legislative body under IC 36-3-6-9.*

*(c) This subsection does not apply to a public library. If:*

*(1) the assessed valuation of a taxing unit is entirely contained within a city or town; or*

*(2) the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town;*

*the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body. The proposed budget and levy shall be submitted at least fourteen (14) days before the city or town fiscal body is required to hold budget approval hearings under this chapter.*

*(d) This subsection does not apply to a public library. If subsection (c) does not apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the county fiscal body in the of each county where in which the taxing unit has the most assessed valuation: is located. The proposed budget and levy shall be submitted at least fourteen (14) days before the county fiscal body is required to hold budget approval hearings under this chapter.*

*(e) This subsection applies to a public library. The library board of a public library subject to this section shall submit its proposed budget and property tax levy to the fiscal body designated under IC 36-12-14.*

*(f) Subject to subsection (g), the fiscal body of the city, town, or county (whichever applies) or the fiscal body designated under IC 36-12-14 (in the case of a public library) shall review each budget and proposed tax levy and adopt a final budget and tax levy for the taxing unit. The fiscal body may reduce or modify but not increase the proposed budget or tax levy.*

*(g) A fiscal body's review under subsection (f) is limited to the proposed operating budget of the public library and the proposed property tax levy for the library's operating budget."*

Page 18, between lines 12 and 13, begin a new paragraph and insert:

**"SECTION 15. IC 32-24-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This chapter applies if the works board of a municipality wants to acquire property for the use of the municipality or to open, change, lay out, or vacate a street, an alley, or a public place in the municipality, including a proposed street or alley crossings of railways or other rights-of-way. The acquisition of property under this chapter is subject to approval under IC 32-24-7.**

**(b) The works board must adopt a resolution that the municipality wants to acquire the property. The resolution must describe the property that may be injuriously or beneficially affected. The board shall have notice of the resolution published in a newspaper of general circulation published in the municipality once each week for two (2) consecutive weeks. The notice must name a date, at least ten (10) days after the last publication, at which time the board will receive or hear remonstrances**

from persons interested in or affected by the proceeding.

(c) The works board shall consider the remonstrances, if any, and then take final action, confirming, modifying, or rescinding its original resolution. This action is conclusive as to all persons.

SECTION 16. IC 32-24-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 7. Eminent Domain or Condemnation by Appointed Boards**

**Sec. 1. As used in this chapter, "governing body" refers to the governing body of a political subdivision that is not comprised of a majority of officials who are elected to serve on the governing body.**

**Sec. 2. As used in this chapter, "political subdivision" means a political subdivision served by a governing body.**

**Sec. 3. Notwithstanding any other law, a governing body may exercise eminent domain or condemnation over a particular parcel of land only if a resolution is adopted specifically authorizing the political subdivision to exercise eminent domain or condemnation over the parcel for a specific purpose by:**

**(1) if the political subdivision is located entirely within the corporate boundaries of a municipality, the fiscal body of the municipality; or**

**(2) if the political subdivision is not described by subdivision (1), the fiscal body of each county in which the political subdivision is located.**

**Sec. 4. The resolution described in section 3 of this chapter must specifically describe:**

**(1) the parcel of land that the political subdivision seeks to acquire by exercising eminent domain or condemnation;**

**(2) the purpose for which the parcel of land is to be acquired; and**

**(3) why the exercise of eminent domain or condemnation is necessary to accomplish the political subdivision's purpose."**

Page 19, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 21. IC 36-12-14-1, AS ADDED BY P.L.199-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Before an appointed library board described in IC 6-1.1-17-20(a)(2)(B) may impose a property tax levy for the operating budget of a public library for the ensuing calendar year, ~~that is more than five percent (5%) greater than the property tax levy for the operating budget of the public library for the current calendar year;~~ the library board must submit its proposed budget and property tax levy to the appropriate fiscal body under section 2 of this chapter."

Page 19, line 37, delete "JANUARY 1, 2007]" and insert "UPON PASSAGE] IC 6-1.1-17-20,".

- 1 Page 19, line 37, after "IC 6-1.1-37-10," insert "**and IC 36-12-14-1,**
- 2 **all**".
- 3 Page 19, line 38, delete "applies" and insert "**apply**".
- 4 Renumber all SECTIONS consecutively.  
(Reference is to ESB 355 as printed February 22, 2006.)

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Representative Bright